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09/974,521

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EXAMINER

TRUONG, CAMQUY

ART UNIT

PAPER NUMBER

2195

MAIL DATE

DELIVERY MODE

12/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/974,521 | Applicant(s) HIRSCHSOHN, IAN | |
| | Examiner CAMQUY TRUONG | Art Unit 2195 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1, 4, 6-9, and 11-13.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/21/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 4, 6-9, and 11-13 are presented for examination. Claims 2-3, 5, and 10 have been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 7- 9, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable by Lutterschmidt (U.S. Patent 6,356,947 B1) (hereinafter Lutterschmidt) in view of Borcharding et al. (U.S. 5,303,369) (Borcharding).**

4. As to claims 1, 7-9, and 11, Lutterschmidt teaches the invention substantially as claimed including: in a multi-processor computing environment, a method executed by a first processor for allocating resources for use by plurality of other processors (the central server node AS controls the assignment between the client node and the respective data server nodes, col. 3, lines 59-62), the method comprising:

providing a script to the first processor (receiving status data relating), the first processor being dedicated solely to parsing the script and to the allocation of resources (data server nodes) to the plurality other processors, the script containing information related to the resources required by the other processors (receiving status data relating to the utilization of capacity of the data server nodes and the content of the data sets stored in the data server nodes, and dynamically assign to the requesting client node on the basis to of an evaluation of the status data, one of the data server nodes in which a data set with the specified content is stored, col. 8, line 60- col. 9, line 6; col. 5, lines 49-60);

parsing script to determine the resources required by the plurality of other processors (evaluation of the status data, one of the data server nodes in which a data set with the specified content is stored to assign to the requesting client node, col. 9, lines 21-23); and

dynamically allocating the resources as needed by the plurality of other processors (dynamically assign to the requesting client node one of the data server nodes; col. 9, lines 2-4).

5. Lutterschmidt does not explicitly teach providing script to the first processor before beginning execution of the single application; the script containing information related to the resources required by each of the plurality of other processors to execute one or more of the tasks and when the resource are required in the execution sequence of the single application for each of the one more tasks. However, Borcharding teaches

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providing a script to the first processor before beginning execution of the single application (host processor 12 dynamically determines the specific sequence of tasks to be performed, and therefore determines the script, col. 3, lines 36-40); the script containing information related to the resources required by each of the plurality of other processors to execute one or more of the tasks and when the resource are required in the execution sequence of the single application for each of the one more tasks (the script is downloaded to signal processor 12 in a pseudo code form and interpreted by a script interpreter 32. The result is a set of byte codes that specify tasks that host processor 12 requires signal processor 16 to perform, col. 3, lines 40-47).

6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Lutterschmidt by incorporating the teaching of providing script to the first processor before beginning execution of the single application; the script containing information related to the resources required by each of the plurality of other processors to execute one or more of the tasks and when the resource are required in the execution sequence of the single application for each of the one more tasks as taught by Borcharding in order to again the advantage of resources are used efficiently without creating extra processing overhead.

7. As to claim 12, Lutterschmidt teaches dynamically allocating the resources at the time needed by the tasks (col. 9, lines 2-4).

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8. As to claim 13, Borcharding teaches each of the plurality of other processors executes multiple tasks as part of a single application (multiprocessing is a type of parallel processing that divides execution of separate programs among two or more processors. Multitasking is a special case of multiprocessing, which defines a software process, i.e., a task, to be a subprogram that may be executed simultaneously with other subprograms, col. 1, lines 11-17).

9. **Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutterschmidt (U.S. Patent 6,356,947 B1) in view of in view of Borcharding et al. (U.S. 5,303,369) (Borcharding), as applied to claim 1 above, and further in view of Pitot (U.S. Patent 5,375,208).**

10. As to claims 4 and 6, Lutterschmidt and Borcharding do not explicitly teach the resources are memory and matrix configuration. However, Pitot teaches the resources are memory and matrix configuration (col. 1, lines 40-45).

11. It would have been obvious to a person of ordinary skilled in the art at the time of the invention to apply the teaching of a resources are memory and matrix configuration as taught by Pitot because this would allow dynamic allocation of memory locations when needed so that the memory resource is optimized.

Response to the argument

12. Applicant's arguments filed 8/29/08 for claims 1, 4, 6-9, and 11-13 have been considered but are moot in view of the new ground(s) rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAMQUY TRUONG whose telephone number is (571)272-3773. The examiner can normally be reached on 9:00am - 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai An can be reached on (703)305-9678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

Camquy Truong

December 2, 2008